

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

STATE OF MARYLAND,

Plaintiff,

v.

EXXON MOBIL CORPORATION, *et al.*,

Defendants.

Case No. 1:18-cv-00459-SAG
Hon. Stephanie A. Gallagher

**DECLARATION OF LISA A. GERSON IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S MOTION FOR EXTENSION OF CERTAIN EXPERT
DEADLINE[S]**

Lisa A. Gerson, an attorney duly licensed to practice law in the State of New York and admitted *pro hac vice* to the United States District Court for the District of Maryland in the above captioned case, hereby declares pursuant to 28 U.S.C. § 1746 and under penalty of perjury that the following statements are true and correct and are based on my personal knowledge unless otherwise stated:

1. This Declaration and the attached Exhibit are submitted in support of Defendants' opposition to Plaintiff's Motion for Extension of Certain Expert Deadline[s], which is being filed concurrently herewith.
2. Attached as Exhibit 1 is an October 15, 2025, email from Tracey O'Reilly, counsel for Plaintiff, informing Defendants that Mr. Burke would no longer serve as an expert
3. Plaintiff requested until November 12, 2025, to identify Mr. Burke's replacement (*see* Ex. 1), and Defendants agreed.

4. Plaintiff provided no details on the reasons for Mr. Burke's withdrawal, or regarding Plaintiff's efforts between May and October to confirm Mr. Burke's retention.

5. During a conferral call on November 7, 2025, Plaintiff's counsel informed Defendants that Plaintiff would not be able to identify a new expert by the November 12 deadline.

6. However, during the November 7 call, Plaintiff's counsel stated that Mr. Burke's eventual replacement would be able to submit his or her report by January 30, 2026, and further represented that if Plaintiff did not have a report to serve by January 30, it would not submit a report on the topic of gasoline supply and distribution, stating Plaintiff's desire to keep the case moving.

7. Based on these representations, Defendants agreed to Plaintiff's additional extension request.

8. The parties' agreements were memorialized in Proposed CMO No. 113, which Plaintiff submitted and requested the Court to "So Order," which the Court did. (ECF Nos. 841, 841-1, 842.)

9. On January 14, 2026, Plaintiff contacted Defendants to say that it would not have an expert to disclose by the January 15, 2026, disclosure deadline. (ECF No. 849-1.)

10. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed: January 20, 2026
New York, New York



Lisa A. Gerson